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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/818,470      | 03/28/2001  | Mark E. Poole        | sfi-1               | 9560             |

20874 7590 03/30/2005

WALL MARJAMA & BILINSKI  
101 SOUTH SALINA STREET  
SUITE 400  
SYRACUSE, NY 13202

EXAMINER

DUNWOODY, AARON M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3679

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/818,470

Applicant(s)

POOLE, MARK E.

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's Appeal Brief for the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5358013, McClain.

In regards to claim 1, McClain discloses an apparatus comprising:

(A) first and second connectors (10), each connector comprising:

(a) a tubular member;

(b) an annular flange (14), extending radially outwardly from an outer end of the tubular member; and

(c) a rolled edge (18)(col. 2, lines 38-43), comprising:

(i) an annular radially inner bend, attached to the outer perimeter of the annular flange;

(ii) an annular radially outer roll, adjacent to the radially inner bend;

(iii) an annular rounded perimeter, adjacent to the annular radially outer roll and at the outer perimeter of the annular flange, the annular rounded perimeter is rounded inwardly, toward the outer end of the tubular member; and

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(iv) whereby a tube cavity (see Figure 2 below) is defined within the annular radially outer roll and annular rounded perimeter;

(B) whereby an excess duct sealer trough (see Figure 2 below) is defined between rolled edges of the first and second connectors; and

(C) a plurality of fasteners (not shown) connecting the annular flange of the first connector to the annular flange of the second connector.

In regards to claim 2, McClain discloses a gasket (25), carried between outer annular surfaces of the annular flanges of the first and second connectors, the gasket having a first side surface directed toward the outer annular surface of the first connector and a second side surface directed toward the outer annular surface of the second connector.

In regards to claim 4, McClain discloses a duct sealer (25), carried firstly between the annular flange of the first connector and the annular flange of the second connector.

In regards to claim 6, McClain discloses an O-ring channel (13") defined on an outer surface of the tubular member, the O-ring channel for receiving an O-ring.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClain in view US patent 4913472, Janakirama-Rao.

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In regards to claim 3, McClain discloses the claimed invention for a duct sealer, carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors. Janakirama-Rao teaches a duct sealer (6), carried firstly between the first side surface of the gasket (10) and the outer annular surface of the annular flange of the first connector (1), and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector (2), and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors "to make a leak-proof seal" (column 4, line 30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate a duct sealer carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors to make a leak-proof seal, as taught by Janakirama-Rao.

***Allowable Subject Matter***

Claim 5 is allowed.

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-4 and 6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

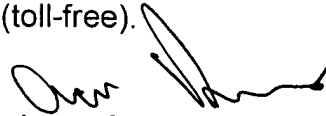
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody  
Examiner  
Art Unit 3679

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